



bears no factual relation to Plaintiffs' 93A AWP "inflation" claims; and (3) there is no connection between the conduct described in the plea and the Class 2 or 3 representatives.

3. The guilty pleas of Dr. Saad Antoun, Dr. Stanley C. Hopkins, Dr. Robert A. Berkman and TAP are not relevant for the same reasons and because TAP is not a defendant in this trial.

4. Evidence concerning these guilty pleas and sampling activity generally should also be excluded because it would constitute a waste of the Court's time.

WHEREFORE Defendant AstraZeneca respectfully requests that this Court enter an Order excluding the documents and testimony listed on Appendix A, as well as any other related documents and testimony, and grant all other relief that this Court deems just and appropriate.

Dated: Boston, Massachusetts  
October 10, 2006

Respectfully Submitted,

By: /s/ Katherine B. Schmeckpeper  
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## Appendix A

### Exhibits

- Plaintiffs' Exhibit 1: Memorandum of Plea Agreement in United States v. AstraZeneca Pharmaceuticals, LP, Criminal Action No. 03-55 (D. Del.)
- Plaintiffs' Exhibit 2: Information filed by the U.S. Attorney in United States v. AstraZeneca Pharmaceuticals, LP, Criminal Action No. 03-55 (D. Del.)
- Plaintiffs' Exhibit 3: Transcript of the Plea and Sentencing Hearing in United States v. AstraZeneca Pharmaceuticals, LP, Criminal Action No. 03-55 (D. Del.)
- Plaintiffs' Exhibit 4: Information filed by U.S. Attorney in United States v. Robert A. Berkman, M.D., Criminal Action No. 03-45 (D. Del.)
- Plaintiffs' Exhibit 5: Transcript of the Plea Hearing in United States v. Robert A. Berkman, M.D., Criminal Action No. 03-45 (D. Del.)
- Plaintiffs' Exhibit 6: Examples of Zoladex labels presented as Exhibits at the Ohio State Licensing Board Hearing for Robert A. Berkman, M.D.
- Plaintiffs' Exhibit 7: Information filed by U.S. Attorney in United States v. Saad Antoun, M.D., Criminal Action No. 02-13 (D. Del.)
- Plaintiffs' Exhibit 8: Memorandum of Plea Agreement in United States v. Saad Antoun, M.D., Criminal Action No. 02-13 (D. Del.)
- Plaintiffs' Exhibit 9: Memorandum of Plea Agreement in United States v. Robert A. Berkman, M.D., Criminal Action No. 03-45 (D. Del.)
- Plaintiffs' Exhibit 10: Superseding Information filed by the U.S. Attorney in United States v. Stanley C. Hopkins, M.D., Criminal Action No. 02-127 (D. Del.)
- Plaintiffs' Exhibit 11: Memorandum of Plea Agreement in United States v. Stanley C. Hopkins, M.D., Criminal Action No. 02-127 (D. Del.)
- Plaintiffs' Exhibit 12: Transcript of Sentencing Hearing in United States v. Robert A. Berkman, M.D., Criminal Action No. 03-45 (D. Del.)
- Plaintiffs' Exhibit 13: Letter from Judge Joseph J. Farnan Jr. to the State Medical Board of Ohio
- Plaintiffs' Exhibit 57: Letter to Mark J. Harberberger from William C. Lucas (10/13/95)

- Plaintiffs' Exhibit 58: Letter from Mark J. Harberberger to William C. Lucas (12/18/95)
- Plaintiffs' Exhibit 59: Letter from Mark J. Harberberger to Glenn M. Engleman (9/26/95)
- Plaintiffs' Exhibit 63: Internal Memorandum from Tom Chen to Mike Bonney re: Zoladex Sample Inventories
- Plaintiffs' Exhibit 174: Video Deposition of Dr. Robert A. Berkman
- Plaintiffs' Exhibit 913: Sentencing Memorandum of the United States in United States v. TAP Pharmaceutical Products, Inc., Criminal Action No. CR-01-10354-WGY (D. Mass. Dec. 6, 2001)
- Plaintiffs' Exhibit 914: United States v. TAP Pharmaceutical Products, Inc., No. CR-01-10354-WGY (D. Mass. Dec. 6, 2001) - Disposition
- Plaintiffs' Exhibit 919: Department of Justice Press Release "AstraZeneca Pharmaceuticals LP Pleads Guilty to Healthcare Crime: Company Agrees to Pay \$355 Million to Settle Charges"

#### Deposition Designations

- Plaintiffs' deposition designations of Robert A. Berkman, M.D.: 19:22; 20:1-3, 17-21; 25:16-22; 26:1-6; 30: 12-20; 31:16-22; 32:1-4; 36:21-22; 37:1-13, 19-22; 38:1-22; 39:1-7; 40:9-15; 44:16-22; 45:1-22; 46:1-3.
- Plaintiffs' deposition designations of Stanley C. Hopkins, M.D.: 26:11-22; 27:1-2, 5-10; 28: 4-19; 30:3-9; 39:20-22; 40:1-22; 41:1-5; 43:19-22; 44:1; 57:15-20; 59:12-22; 60:1-4, 21-22; 61:1-4.
- Plaintiffs' deposition designations of David Brennan: 70:8-20; 75:19-76:10; 86:10-13, 16-21; 95: 6-20.
- Plaintiffs' deposition designations of Mark Reisenauer: 74:13-16.
- Plaintiffs' deposition designations of Thomas Chen: 7:20-8:20.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered on October 10, 2006 to counsel for plaintiffs and to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, via LexisNexis File & Serve.

By: /s/ Katherine B. Schmeckpeper  
Katherine B. Schmeckpeper